

Express Mail No. EL 684735040US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. §1.53 (b) (1)



Docket No. GER5314B

Anticipated Classification of This Application

Class: 198                      Subclass: 389

Prior Application Data:

Applicant: Andreas Roessler

Serial No. 10/255,819

Filed: September 26, 2002

For: METHODS OF AND DEVICE FOR FEEDING  
FASTENING ELEMENTS

Art. Unit: 3651

Examiner: Joseph A. Dillon, Jr.

Docket No. GER5314A

Mail Stop Patent Application

COMMISSIONER FOR PATENTS

P. O. Box 1450

Alexandria, VA 223-1450

Sir:

This is a request for filing a divisional application under 37 C. F .R. § 1.53 (b) (1) of pending prior Application No. 10/255,819, filed on September 26, 2002, and entitled METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS.

1.        Enclosed is a copy of the latest inventor-signed prior application, including a copy of the Declaration showing the original signature or indication it was signed.

2.        The above-noted pending prior application is a continuation-in-part of applicant's now-abandoned U. S. Application No. 09/592,394, filed on June 13, 2000, and titled METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS. The entire disclosures of the above-noted pending prior application, from which a copy of the Declaration is supplied under item No. 1 above, and the above-noted now-abandoned application, are considered as being a part of the disclosure of the accompanying divisional application and are hereby incorporated in this divisional application by reference thereto.

3. The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS  
ANY CLAIMS CANCELLED BY AMENDMENT BELOW

Other than small entity

| <u>Fee</u>    | <u>No. filed</u> | <u>No. extra</u> |   | <u>Rate</u> | <u>Fee</u>    |
|---------------|------------------|------------------|---|-------------|---------------|
| Basic fee     |                  |                  |   |             | \$750.        |
| Total claims  | 18               | - 20 = 0         | X | \$18.       | \$ 00.        |
| Indep. claims | 2                | - 3 = 0          | X | \$84.       | <u>\$ 00.</u> |
|               |                  |                  |   | TOTAL       | \$750.        |

4. Prior to calculating the filing fee for this application, please cancel claims 1 through 9, and 20 through 24, in their entirety.

5. The Commissioner is hereby authorized to charge the above-noted TOTAL fee of \$750. and any other fees which may be required in the filing of this application, or credit any overpayment, to Deposit Account No. 02-2550. One additional copy of this completed form is enclosed.

6. The inventor of the invention being claimed in this application is ANDREAS ROESSLER

7. The pending prior application is assigned of record to NEWFRY LLC at Reel 013640, Frame 0014 (2 pages) of the assignment records of the U.S. Patent and Trademark Office, and was recorded therein on January 6, 2003.

8. A preliminary amendment is enclosed.

9. The powers of attorney in the prior application, all of which appear in the original papers in the prior application, are to John Del Ponti, Reg. No. 24,258; Edward D. Murphy, Reg. No. 20, 625; Charles E. Yocum, Reg. No. 30,121; Richard J. Veltman, Reg. No. 39,957; and J. Bruce Hoofnagle, Reg. No. 20,973.

All of the above attorneys have an address at:

The Black & Decker Corporation  
701 East Joppa Road - TW199  
Towson, Maryland 21286

10. A complete set of formal drawings, with reverse-side labels, is enclosed for this divisional application.

11. Address all future communications to:

Edward D. Murphy, Esq.  
The Black & Decker Corporation - TW199  
701 East Joppa Road  
Towson, Maryland 21286

Respectfully submitted,



J. Bruce Hoofnagle  
Attorney for Applicant  
Reg. No. 20,973

June 23, 2003

J. Bruce Hoofnagle  
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701 East Joppa Road  
Towson, Maryland 21286  
Phone: 410-442-2417

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Mail Stop Patent Application  
COMMISSIONER FOR PATENTS  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Express Mail No. EL684735040US**

Sir:

Transmitted herewith for filing under 37 C. F. R. § 1.53 (b) (1) is the divisional application of:

Applicant: ANDREAS ROESSLER

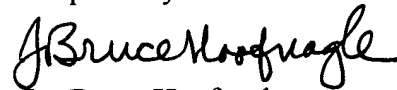
For: METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS

This application is a divisional of prior U. S. Application No. 10/255,819, filed September 26, 2002, titled METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS which is, a CIP application of prior U. S. Application No. 09/592,394, filed June 13, 2000, titled METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS which is now abandoned. The disclosures of both prior applications are incorporated in this divisional application reference thereto.

Enclosed are:

- Request for filing a divisional application, with authorization to charge \$750 for filing fee
- Copy of prior application including specification (3 pages), 32 claims, 8 sheets of drawings and copy of signed Declaration
- 8 sheets of formal drawings
- Preliminary amendment
- Nonpublication Request
- Receipt Card
- Transmittal Letter
- Certificate of Mailing by Express Mail

Respectfully submitted.



J. Bruce Hoofnagle  
Attorney for Applicant  
Reg. No. 20,973

June 23, 2003

J. Bruce Hoofnagle  
P. O. Box 370Lisbon, MD 21765-0370  
Phone: 410 442 2417  
5314BTML.LTR

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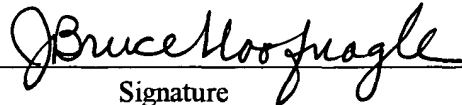
|   |                       |   |                         |
|---|-----------------------|---|-------------------------|
| <b>NONPUBLICATION REQUEST<br/>UNDER<br/>35 U.S.C. 122 (b)(2) (B)(i)</b> | First Named Inventor  |   | <b>ANDREAS ROESSLER</b> |
|   | Title                 | <b>METHODS OF AND DEVICE FOR<br/>FEEDING FASTENING ELEMENTS</b> |                         |
|   | Atty. Document Number |   | <b>GER5314B</b>         |

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

**I hereby request that the attached application not be published under 35 U.S.C. 122(b).**

June 23, 2003

Date



Signature

J. Bruce Hoofnagle (Reg. No. 20,973)

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached publication in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Papers being filed: Application for U.S. Patent

Applicants: ANDREAS ROESSLER

Serial No.: To be assigned upon filing

Filed: To be filed by Express mail on June 23, 2003

For: METHODS OF AND DEVICE FOR FEEDING FASTENING ELEMENTS

Attorney Doc. No.: GER5314B

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Date of Deposit with the U. S. Postal Service: June 23, 2003

**I HEREBY CERTIFY THAT THESE PAPERS AND FEE AUTHORIZATION ARE BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. § 1.10 ON THE DATE INDICATED ABOVE AND ARE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, MAIL STOP PATENT APPLICATION, ALEXANDRIA, VA 22313-1450.**

J. Bruce Hoofnagle

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)



(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Papers Attached:

- 1) Request for filing a divisional application, with authorization to charge \$750. for filing fee;
- 2) Copy of pending prior application including specification (35 pages), 32 claims, 8 sheets of drawings and copy of signed Declaration;
- 3) 8 sheets of formal drawings;
- 4) Preliminary amendment (adding claims);
- 5) Nonpublication request
- 6) Receipt card;
- 7) Transmittal letter;
- 8) Certificate of mailing by Express Mail.